

## SEXUAL HARASSMENT POLICY DUBUQUE COUNTY, IOWA

### A. POLICY STATEMENT

Sexual harassment constitutes a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. Dubuque County affirms its intent to maintain a work environment free of sexual discrimination and/or sexual intimidation. Sexual discrimination will be found when any the following conditions of sexual harassment exist:

1. Submission to the conduct is either an implicit or explicit term or condition of employment.
2. Submission or rejection is used as a basis for employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

### B. PROCEDURE

1. It is the policy of Dubuque County that sexual harassment will not be tolerated.
2. For sexual harassment charges involving levels one and two (targeted gender harassment, and targeted or individual harassment), the grievance procedure must be utilized.
3. For sexual harassment charges involving level three (criminal sexual harassment), use of the grievance procedure may be utilized at the victim's option.
4. Employees shall not be subject to retaliation for filing sexual harassment charges. Any allegation of an act of retaliation is separate grounds for a grievance.
5. All employees shall be furnished a copy of this policy, along with the County's General Employment Policies & Procedures, and all new employees will be furnished a copy at the time of employment.

### C. DEFINITIONS

Sexual harassment Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

### D. LEVELS OF SEXUAL HARASSMENT

#### PROHIBITED CONDUCT

1. Any unwelcome sexual advances, requests for sexual favors, and

other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2. The degrees of seriousness of sexual harassment shall be divided into three levels.
  - a. Level One: Targeted gender harassment. This includes intentional behavior that is directed at a specific gender and includes negative or sexual comments, jokes, suggestions or gestures about gender or sexuality.
  - b. Level Two: Targeted or individual harassment. This includes intentional behavior which is targeted at an individual or a specific group, causing serious negative physical or psychological effects to the victim and adversely affecting productivity and overall morale. This includes negative or offensive sexual comments, jokes, suggestions or gestures about an individual's gender or sexuality, or unwanted touching of a non-criminal nature.
  - c. Level Three: Criminal sexual harassment is behavior that violates federal or state statutes and includes forcible sexual abuse, intentional touching of buttocks, genitals of another or self, or breasts of a female, indecent exposure and taking indecent liberties with another.

#### E. GRIEVANCE PROCEDURE

1. All Dubuque County employees shall have access to the grievance process
2. Employees found guilty of sexual harassment may face disciplinary action ranging from a letter of reprimand to termination.
3. Reprisals are prohibited under this procedure. Complaints of either formal or informal reprisals are separate grievable issues.
4. Records of individual grievances and confidential documents shall not be filed in the victim's personnel file. Records of grievances are not available to employees not involved in the grievance process.
5. False claims of sexual harassment may result in disciplinary action against the accuser.

6. Informal Process

a. Filing Notice

1. Any employee who has been subjected to sexual harassment may notice the offending employee using the Notification of Sexual Harassment and Sexual Harassment Incident Report
2. The notification shall state the informal nature of the complaint and shall indicate that no further action will be taken if the offending conduct is immediately halted.
3. The notice shall also state that if the conduct is not stopped, a copy of the notification will be given to the immediate supervisor of the employee perpetrating the harassment for possible disciplinary action.
4. The victim is not required to confront the offending employee on a one-to-one basis at any time and may provide notice through the victim's immediate supervisor.

b. Response of Accused

1. Any employee accused of sexual harassment is entitled to a hearing with the accused employee's supervisor and accuser present if the accused believes the charges are unfounded or do not justify even an informal notification.
2. The employee accused of sexual harassment is expressly forbidden to talk with the accuser unless in the presence of the accuser's supervisor. Correspondence directed from the accused to the accuser must be routed through the accuser's supervisor.

c. Additional Complaints

1. In the event the harassing conduct is repeated the harassed employee shall immediately deliver to the harassing member's immediate supervisor a second incident report and a copy of the original informal notification.
2. The supervisor shall be required to meet with the harassing employee to discuss the allegation of sexual harassment.
3. If the allegation has merit, a letter of reprimand may be issued at that time and the member shall be specifically instructed to cease all such harassing conduct. If appropriate, the immediate supervisor may take additional or more serious disciplinary action
4. In the event the harassing conduct is repeated after a

letter of reprimand, the supervisor shall be required to refer the allegation to the Department Head for investigation and possible disciplinary proceedings.

7. Formal Process

If the harassment conduct rises to Level Four and the harassed employee wishes to pursue formal action, the following options are available:

- a. The matter may be referred directly to the Personnel Director, who shall conduct an internal investigation and schedule a grievance hearing, as appropriate under the provisions of the General Employment Policies of Dubuque County. If the employee is satisfied with the result of this step, the matter is closed.
- b. No member of a County Collective Bargaining Unit is precluded from seeking redress of grievances through the process proscribed within his or her collective bargaining agreement, if the employee wishes to pursue that process.
- c. The employee may also file a complaint with the Dubuque Human Rights Commission, City Hall

The Iowa Civil Rights Commission within 180 days of the last act of sexual harassment, c/o Iowa Civil Rights Commission, 210 East Maple Street, Des Moines, Iowa 50319

The Equal Employment Opportunity Commission within 300 days of the last act of sexual harassment, c/o EEOC 310 West Wisconsin Avenue, Suite 800, Milwaukee, Wisconsin 53203-2292

NOTIFICATION OF SEXUAL HARASSMENT

DATE: \_\_\_\_\_

TO :

FROM:

You are hereby notified that the incident described on the attached sheet, in my opinion, constitutes sexual harassment.

This notification is informal, and no further action will be taken if this incident or a similar type of incident does not recur. I am retaining a copy of this notification for my file.

In the event that the conduct described on the attached sheet should recur, a copy of this notification will be given to your immediate supervisor for possible disciplinary act.

\_\_\_\_\_  
Signature

DATE:

TO:

FROM:

This is to advise you that the sexual harassment described on the attached sheet or a similar incident has recurred.

\_\_\_\_\_  
Signature

